The Oregon Forest Practices Act

An Introduction for the Clatsop County Citizens Advisory Council To Comprehensive Plan Review

October 2019
Reasonably Concurrent Landmark Oregon Legislation

1971 – Oregon Forest Practices Act

1973 – Oregon Land Conservation and Development Act (SB 100 & SB 101)

These to concepts are integrated
1973 Oregon Land Conservation and Development Act (SB 100)

Goal 4 – Conserve Forests

Acreage of Forest Land has held steady for 30 years.

1995

Forest Land Area has been conserved – here is Corvallis….

2014

Same Picture – 30 years later
Oregon Department of Forestry:
State Forester – Since 1911 –
All matters relating to the forests

Three Divisions of the Agency on the Land

• Protection from Fire
• State Forests
• Private Forests Program

• Also – Partnerships with Federal Lands
Oregon Department of Forestry:

- Board of Forestry oversight
- Board appointed by Governor
- Board makes rules, approves plan of Department
- Hires State Forester to look after all matters relating to the forests of Oregon
Tom Imeson, Chair
Portland, OR

Nils Christoffersen
Enterprise, OR

Cindy Deacon Williams
Medford, OR

Mike Rose
Elkton, OR

Jim Kelly
Kimberly, OR

Brenda McComb
Philomath, OR

Joe Justice
La Grande, OR

Oregon State Forester
Peter J. Daugherty

Selected by the Board of Forestry as Oregon's 13th State Forester on September 7, 2016,
The Private Forest Program delivers a range of services to forestland owners. Administers the Forest Practices Act (though not on State Forest Lands).

The goal is to maintain and enhance the economic, social and environmental benefits derived from Oregon’s forests.
The Private Forest Program administers the **Oregon Forest Practices Act**

A regulatory framework of Statutes and prescriptive administrative rules intended to provide for the continuous growing and harvesting of forest products, while maintaining and protecting soil, air, water and fish and wildlife resources.

**HOW IS IT ORGANIZED? HOW IS IT ADMINISTERED?**

Where does it apply? What does it protect?
“BEST MANAGEMENT PRACTICES AND POLLUTION PREVENTION”

Best management practices are inherently pollution prevention practices. Traditionally, BMPs have focused on good housekeeping measures and good management techniques intending to avoid contact between pollutants and water media as a result of leaks, spills, and improper waste disposal.

However, based on the authority granted under the regulations, BMPs may include the universe of pollution prevention encompassing production modifications, operational changes, materials substitution, materials and water conservation, and other such measures.

EPA – 8-B-93-004
REGIONAL Forest Practices Committees

Nine members each.

Appointed by BOF to 3 yr. terms.

Must have pertinent Education/Experience.

2/3 are Private Landowners, Timber Owners or Operators who regularly engage in operations.

Committees Review Rule and advise the Board of Forestry

(ORS 527.650(1)(2)(3))
For Some Trees 49 years isn’t a very long time ...
That’s how long the Oregon Forest Practices Act (FPA) has been around...and a lot has changed in that time
Governor John Kitzhaber – Oregon salmon recovery –

Oregon Plan for Salmon & Watersheds
Systematic Review of Science

Decades Of Endeavor
By a cast of thousands

Oregon State Forester James Brown
Stream Protection Standards
Adaptive Management
Forestry Program for Oregon
STANDARDS OF PRACTICE FOR OPERATIONS ON FOREST LANDS

1971
Oregon enacted the

“OREGON FOREST PRACTICES ACT”

FOREST PRACTICE ADMINISTRATIVE RULES AND STATUTES
A dynamic process – Several significant Changes over time.
Oregon’s Timber Producing Forests are busy
Standards of Practice for Forest Operations on Private Lands in Oregon

- Statutes inform Rule Making
- Regional Committees Participate

**POLICY STATEMENT – IN STATUTE –**

ORS 527.630 (1) – “Forests make a vital contribution to Oregon.............
It is declared to be the public policy of the State of Oregon to encourage......
1971
Oregon enacted the

“OREGON FOREST PRACTICES ACT”

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Rule Divisions:
- Definitions
- Planning
- Reforestation
- Afforestation
- Treatment of Slash
- Chemicals
- Landslides & Public Safety
- Roads: Construction & Maintenance
- Harvesting
- Water Protection – 6 separate divisions
- Specified Resource Sites
- Civil Penalties
Standards of Practice for Forest Operations on Private Lands in Oregon

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Rule Divisions:
- Definitions – It is important to have Clarity and understanding of terms.

Regional Differences in Standards
EFFECTIVE ADMINISTRATION IS A THREE PART PROCESS

EDUCATION

ENFORCEMENT

ENGINEERING
Standards of Practice for Forest Operations on Private Lands in Oregon

BEGIN WITH DEFINITIONS!

What is a Stream?

What is a Wetland?

Regional Differences in Standards
Cutting Plan for Water Resource Protection

Directive! Fall dead + dying trees away from Water Resource

Cable log if necessary to avoid heavy machinery within 20 feet of Water Resource

Remove unnatural slash within 20 feet of Water Resource

[Diagram]

Timber

Road

Stream

Road
Prior Notification is Required........

REQUIREMENT FOR PRIOR NOTIFICATION IS EXACTLY THAT –
A “NOTIFICATION OF OPERATION” – NOT A PERMIT....

Notifications are given unique Numbers such as “12 - 781 - 00231” >10,000 per year
Division 610 – Reforestation – pg 22

Division 611 – Afforestation Incentive – pg 29

Division 615 – Treatment of Slash – pg 31
Forest Practices Reforestation Rules
Division 610
Chemical and Other Petroleum Product Rules
Division 620
Landslides & Public Safety
Division 623
Division 630 – Harvesting
Water Protection Rules - Divisions 635, 642, 645, 650, 655, 660
Specified Resource Site Protection Rules
Division 665
Remote Sensing –
Satellites / Airborne
Lidar / Infrared

Technology is Dynamic!

GIS DATA
MANAGEMENT:
PORTABLE – INTEGRATE
ANALYSIS AND UTILITY
OREGON’S FORESTS KEEP CHANGING
The Forest Practices Act changes also.....
THE FOREST PRACTICES ACT PROVIDES A “ONE-STOP-SHOP”

DUE TO COORDINATION BETWEEN THE DEPARTMENT OF FORESTY AND OTHER AGENCIES WITH SOME RESPONSIBILITY FOR THE FOREST OR AQUATIC ENVIRONMENT.

ODF administers the Act in consideration of the standards of other agencies such as Department of Fish & Wildlife or Department of Environmental Quality.
Division 635 – Stream Classification Rules

Protection Standards vary with Stream Classifications
Different Rules apply to different aspects of Forest Management

Division 635 – Waters, Division 640 Water Protection

Division 610 - Reforestation

Division 625 – Forest Roads – Construction and Maintenance
See Also OAR 629-630-0000-(2) – “Harvesting Operations result in a temporary disturbance to the forest environment”

Why is important to state that?
Enforcement actions are warranted when Damage occurs (see OAR 629-670-0010(2) pg. 93)

Could the adverse impact have been avoided by following rules?
Here’s a temporary stream crossing site where disturbance was minimized and damage has not occurred, as a result of planning and careful application of the best management practices described in rule specifications.
• Enforcement actions include
  Written Statement of Unsatisfactory Condition –
  (when damage has not occurred)
  Notice of Violation/Order to Cease Further Violation
  (when damage has occurred)

• Enforcement actions have avenues for informal resolution,
  or hearings, and/or appeals.

• Enforcement is expensive for the agency, but it is important
  to provide a level playing field for responsible operators
  who follow rules.
OREGON’S FORESTS Are DYNAMIC
The Forest Practices Act changes also.....
Also evolving are Concepts about Our relationship with the environment....
Forest Practices Change over time

The Act is intended to be dynamic, based on science and sound policy.
The Forest Practices Act – History – Present – Future

Evolving, and moving forward…. With evolving Oregon
Thank You !